

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

June 16, 2011

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 9, 2011

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Authorizing the City's participation as a sub-recipient of a \$297,000 grant from the California Department of Transportation (CalTrans) with the County of Fresno, the Council of Fresno County Governments and the Fig Garden Homeowners Association for the Old Fig Garden Community Transportation and Land Use Plan (project) – Development and Resource Management Department
Action Taken:
- B. **RESOLUTION** - Authorizing extending salary differential, City-paid and employee paid portions of health and welfare contribution benefits, and continuing leave accruals for military deployed employees – Personnel Services Department
Action Taken:
- C. Award a professional services agreement in the amount of \$60,000 and a \$10,000 contingency to Moore Twining Associates, Inc., of Fresno, California, for materials testing and special inspection services during the construction of the dewatering facility upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility (***Property located in District 3***) – Department of Public Utilities
Action Taken:
- D. Adopt Findings of Statutory Exemption pursuant to CEQA Guidelines Section 15282(k) and No Possibility of Significant Effect pursuant to CEQA Guidelines Section 15061(b)(3) for the installation of a 24-inch raw water pipeline initializing near the Gould canal and Temperance Avenue to its terminus at the T-3 Surface Water Treatment Facility located at the intersection of Dakota Avenue and Apricot Avenue (***Property located in District 4***) – Department of Public Utilities
Action Taken:
1. Approve the first amendment to the restated subdivision agreement for Final Map of Tract No. 5461 to reimburse UCP Montecito LLC an amount not to exceed \$384,520 for the design and construction of a 24-inch raw water pipeline
Action Taken:
- E. Approve the agreement between City of Fresno and Fresno Convention & Visitors Bureau for implementation of the Fresno-Clovis Tourism Business Improvement District Management District Plan – City Manager's Office
Action Taken:

CONTESTED CONSENT CALENDAR

GENERAL ADMINISTRATION

- A. Authorize interim actions relating to the sale of certain Fresno Yosemite International Airport owned separate properties to the State of California, Department of Transportation, and Fresno Metropolitan Flood Control District, with staff to return to Council for final sale approval – Airports Department
Action Taken:
- B. Authorize consultant agreement with HF&H consultants LLC, to prepare the final contracts for the creation of the commercial solid waste (CSW) franchise and related issues, not to exceed a total of \$75,000, and authorize the Director of Public Utilities to execute the appropriate documents - Dept. of Public Utilities
Action Taken:
- C. Approval of a five-year lease with Meux Homes Corporation for operation and maintenance of the Meux Home Museum located at 1007 "R" Street (***Property located in District 3***) – PARCS
Action Taken:
- D. Authorize a 5-year lease agreement, with an automatic 40-year extension upon satisfactory completion of lease terms, with the Discovery Center, a non-profit organization, for operation of the Discovery Center, located at 1937 N. Winery Avenue (***Property located in District 4***) – City Manager's Office
Action Taken:
- E. Approve the City Manager or designee to execute a 10-year lease agreement with the University of California's Garden of the Sun to operate programming on a 1.2 acre site located on the southern portion of Reedy Park (***Property located in District 4***) – City Manager's Office
Action Taken:
- F. Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2010 – Finance Department
Action Taken:
- G. Approval of the following actions relating to the sewer improvement in Millbrook, Belmont and White Avenues and Eighth Street (***Property located in District 7***) – Department of Public Utilities
1. Adopt a finding of Class 1 and 4 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15304(f) (minor trenching and backfilling) of the California Environmental Quality Act (CEQA) Guidelines for the sewer improvements in Millbrook, Belmont and White Avenues and Eighth Street
Action Taken:
 2. Adopt a finding of Statutory Exemptions, pursuant to Section 15282(k) (the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of existing pipeline as long as the project does not exceed one mile in length) of the CEQA guidelines for the Sewer Improvements in Millbrook, Belmont and White Avenues and Eighth Street
Action Taken:
 3. * **RESOLUTION** – 102nd amendment to Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,607,000 for sewer improvements in Millbrook, Belmont and White Avenues and Eighth Street (***Requires 5 affirmative votes***)
Action Taken:
 4. Award a contract in the amount of \$1,590,936 to Floyd Johnston Construction Company
Action Taken:

GENERAL ADMINISTRATION CONTINUED

- H. Initiate proceedings and declare intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District (LLMD) No. 1 (**Citywide**) – Public Works Dept.
Action Taken:
1. **RESOLUTION** – To levy and collect the annual assessment for Landscaping and Lighting Maintenance District No. 1
Action Taken:
 2. **RESOLUTION** – Initiating proceedings for the annual levy of assessment for Landscaping and Lighting Maintenance District No. 1
Action Taken:
- I. Approval of the following actions relating to the sewer rehabilitation in Chestnut Avenue and capacity enhancements in Herndon Avenue project (**Property located in Districts 2, 4 and 7**) – Department of Public Utilities
1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (existing facilities) and 15302(c) (replacement or reconstruction) of the California Environmental Quality Act (CEQA) guidelines for the sewer rehabilitation in Chestnut Avenue
Action Taken:
 2. Adopt a finding of Statutory Exemptions, pursuant to Section 15282(k) (the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of existing pipeline as long as the project does not exceed one mile in length) of the California Environmental Quality Act (CEQA) guidelines for the Capacity Enhancements in Herndon Avenue
Action Taken:
 3. * **RESOLUTION** - 101st amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$1,380,900 for sewer rehabilitation in Chestnut Avenue and capacity enhancements in Herndon Avenue (**Requires 5 affirmative votes**)
Action Taken:
 4. Award a contract in the amount of \$1,366,875 to Insituform Technologies, Inc., of Chesterfield, Missouri, for the sewer rehabilitation in Chestnut Avenue and capacity enhancements in Herndon Avenue
Action Taken:
- J. Adopt Finding of Class 2 Categorical Exemption, pursuant to Section 15302(c) of the CEQA Guidelines, for the Church and Cedar Avenues and various street, installation of 8" water mains (**Property located in District 5**) – Public Works Department
Action Taken:
1. Award a contract in the amount of \$2,153,354.00 for the base bid plus add Alternate 1, to West Valley Construction Company of San Jose, California, for Church and Cedar and various streets, installation of 8" water mains project
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M.#1 **HEARING** relating to Community Facilities District No. 11, Annexation 43, Tract No. 5838 – Public Works Department
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2011-2012 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 43
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#2 **RESOLUTION** - Approving the Final Map of Tract No. 5838, Phase 1 of Vesting Tentative Map No. 5838, accepting dedicated public uses therein expect for dedications offered subject to City acceptance of developer installed required improvements; authorize the Public Works Director, the Public Utilities Director, the Fire Marshal and the Development and Resource Management Department Director to execute the necessary documents. **(Property located in District 6)** – Development and Resource Management Department

Action Taken:

10:15 A.M. **HEARING** to consider Plan Amendment No. A-10-08, Sphere of Influence Application S01-10-01 and related environmental finding for Environmental Assessment No. A-10-08/SO1-10-001, filed by Dirk Poeschel Land Development **(Property located in District 4)** – Development and Resource Management Department

Action Taken:

a. Consider and adopt the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-10-08/SO1-10-001, dated November 19, 2010

Action Taken:

b. **RESOLUTION** – Amending the 2025 Fresno General Plan and Hoover Community Plan to removed the subject property currently designated as medium density residential (for freeway purposes) from the 2025 Fresno General Plan and Hoover Community Plan to correspond to an amendment of the Clovis General Plan to add this property as commercial land use designation within the City of Clovis

Action Taken:

c. **RESOLUTION** – To amend the City of Fresno Sphere of Influence boundary by detaching the subject property from the City of Fresno in order to allow for the subject site's annexation into the City of Clovis' Sphere of Influence

Action Taken:

10:30 A.M.

CITY COUNCIL

A. **BusTracker: A project of the kNOW Youth Media: a tool to provide customer feedback regarding FAX service – Councilmember Baines**

Action Taken:

A. **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

1. Council of Governments (COG) Swearingin, Ex-Officio/Alternate-Borgeas
Council Sub-Committee Task Force for Water (Water Task Force) EXPIRED
Financial Audit Committee Borgeas, Brand, Xiong
Fresno Area Workforce Investment Corporation Brand
Fresno County Council of Government's Rail Consolidation Committee SUSPENDED
Fresno County Transportation Authority (FCTA) Swearingin, Borgeas
Fresno Regional Workforce Investment Board Brand
Fresno County Zoo Authority Swearingin, Alternate – Baines
Fresno Madera Agency on Aging Board Olivier
Joint Powers Financing Authority Brand
Leadership Council on Ending Homelessness Swearingin, Baines, Brand, Westerlund
Public Safety Joint Powers Authority Brand
San Joaquin River Conservancy Board Swearingin, Alternate – Westerlund
The Association for the Beautification of Highway 99 Baines
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Brand, Xiong
2. Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
League of California Cities (Annual Meeting) Swearingin, Alternate – Xiong
3. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Case Name: City of Fresno v. Fare Logistics Corporation, a British Columbia, Canada Corporation
2. Case Name: SER-Jobs for Progress, Inc., Las Casitas de SER Ret. Village v. City of Fresno

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. Case Name: American Civil Liberties Union of Northern California, et al. v. City of Fresno, Jerry Dyer, et al.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:30 P.M. **PUBLIC COMMENT** regarding the 2011-2012 City of Fresno budget

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

June 23 -	9:15 A.M.	HEARING re: CUP No. C-04-018, southeast Walmart expansion
June 23 -	10:00 A.M.	HEARING re: Repeal of Official Plan Line No. 97-01, filed by the City of Fresno
June 23 -	1:30 P.M.	HEARING to consider Council district redetermination report and introduction of ordinance to adopt new council district boundaries
June 23 -	4:00 P.M.	HEARING re: Chaffee Zoo Environment Impact Report (EIR)
June 30 -	9:50 A.M.	JPFA item
June 30 -	10:00 A.M.	Adoption Redetermination of Council District boundaries
June 30 -	10:30 A.M.	HEARING re: Roeding Park Master Plan
June 30 -	10:45 A.M.	HEARING re: Plan Amendment No. A-11-002, Rezone Application No. R-11-002, filed by Jeff Roberts on behalf of Trudy Moxley
June 30 -	3:00 P.M.	PUBLIC PROTEST HEARING and approval of items related to non-exclusive roll-off collection franchise system
July 21 -	10:00 A.M.	HEARING re: consideration of Plan Amendment No. A-09-10, Rezone Application No. R-09-20, filed by Herndon LLC
July 28 -	10:00 A.M.	HEARING re Community Facilities District No. 9, Annexation 1, Tract 6958

FISCAL YEAR 2011-2012 BUDGET WORKSHOP SESSIONS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.

June 20 -	8:30 A.M.	Redevelopment Agency, Motions/votes
June 21 -	TBA	Motions/votes
June 22 -	10:00 A.M.	Motions/votes
June 23 -		Motions/votes (If required)
June 24 -		Adoption of the Fiscal Year 2011-2012 Budget
June 28 -		Spillover (If needed)